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VXN GROUP LLC; STRIKE 3 HOLDINGS, LLC;

GENERAL MEDIA SYSTEMS, LLC; and

MIKE MILLER

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MACKENZIE ANNE THOMA, a.k.a.  
KENZIE ANNE, an individual and on  
behalf of all others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware  
limited liability company; STRIKE 3  
HOLDINGS, LLC, a Delaware limited  
liability company; GENERAL MEDIA  
SYSTEMS, LLC, a Delaware limited  
liability company; MIKE MILLER, an  
individual; and DOES 1 to 100,  
inclusive,

Defendants.

Case No. **2:23-cv-04901 WLH (AGR<sub>x</sub>)****DECLARATION OF KAYDEN  
KROSS IN SUPPORT OF  
DEFENDANTS' MOTION TO  
BIFURCATE DISCOVERY**

DECLARATION OF KAYDEN KROSS IN SUPPORT OF DEFENDANTS' MOTION TO  
BIFURCATE DISCOVERY

1 I, Kayden Kross, hereby declare as follows:

2 1. I submit this declaration under my adult film actress name Kayden  
3 Kross. This is my stage name. I have not included my true name for many of the  
4 reasons I speak to below, including the protection of my family. However, I  
5 understand the importance of transparency in legal proceedings and acknowledge  
6 that my use of a pseudonym is an exception to the norm. Therefore, I am prepared  
7 to refile this declaration with my legal name. However, I respectfully ask that  
8 should the Court order me to do so, the Court allow me to file it under seal.

9 2. I am a performer, director, and creator in the adult industry. I began  
10 my career as an adult film actress in 2006. I have worked with dozens of companies  
11 and directed hundreds of adult film performers.

12 3. I created the brand Deeper.com, which is an affiliate of VXN Group.  
13 I am Deeper's Executive Producer and, among many other roles, I develop the  
14 creative concepts for its movies as well as direct and produce the movies.

15 4. I still occasionally, but rarely, perform in movies for Deeper and VXN  
16 Group productions. I understand as an adult performer I am part of the proposed  
17 class in this case.

18 5. At the same time, I do not want VXN Group to give my true name or  
19 contact information to anyone. I have suffered severe trauma from instances where  
20 individuals have connected my true name and home address to my professional  
21 life. I do not want to create more risk for myself or my family.

22 6. Yet, I choose to write this declaration because adult performers are  
23 real people, who are often too afraid to speak out themselves. Please only require  
24 the disclosure of our contact information as a last resort and only with the strongest  
25 safeguards available, *if absolutely necessary*.

26 7. If VXN Group must disclose the class members' true name and  
27 contact information, everyone in the class will be put at a very real risk of serious  
28

1 harm. I have seen leaks of my and other performers' personal information result  
2 in everything from relapse to suicide to homelessness, joblessness, loss of custody,  
3 divorce, stalking, retaliation, mental health decline, stress induced decline in  
4 physical health, ostracism, loss of bank accounts, being forced to move, and loss  
5 of family relationships.

6 8. Being outed as an adult performer has consequences to people beyond  
7 just the adult performers. Once you are outed, people start outing any family that  
8 they can connect to you. My mom was forced to leave her job because of that. A  
9 guy dated my Mom until she found his office drawer full of my adult performances.  
10 People approach my mom now asking her to introduce us. People who never made  
11 the choice to risk harassment and discrimination are hurt.

12 9. My dad won't talk to me at all, and at least some of it is because people  
13 in the past have outed me to him. And, people pretending to be me have reached  
14 out to him as me, which has not helped my efforts to reconcile for the sake of my  
15 children.

16 10. Even my own children have lost friends due to the discrimination and  
17 double standards that adult performers experience.

18 11. We had to move our family from my last home because a neighbor  
19 down the street found out I worked in adult entertainment. When she discovered it,  
20 she began calling in fake reports to the police and child protective services.  
21 However, that disruption of my family was not enough for her. She literally went  
22 door to door telling the rest of the neighborhood. Still not satisfied, she sent links  
23 of my adult entertainment to our older kids' phones and told the teachers at their  
24 schools. In the end, my partner and I decided that we had no choice but to move.

25 12. The move was traumatic for our children, financially burdensome, and  
26 led to severe physical and mental health issues for me. It greatly impacted my  
27 ability to work and function. I can disclose the extent and costs of the medical and  
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1 mental health treatment I had to receive under seal if the Court would like further  
2 verification.

3 13. Once outed, it can be really difficult to apply for a new place to live,  
4 get a new bank account, explain a recent firing, etc. because of the stigma attached  
5 to what we, as performers, do for a living. I had trouble trying to get a restraining  
6 order against my neighbor because she weaponized outing me. The police did not  
7 believe me when I filed reports. Someone else had to have the same experience  
8 before they came back and took what I said seriously.

9 14. With children, my partner and I must constantly stay vigilant. Our kids  
10 are never allowed to check the mail because my information has been leaked in the  
11 past. No matter the efforts I take to hide my address, somehow people still find me  
12 and I receive mail with explicit pictures of me from fans hoping I'll sign the photos  
13 and send them back to them.

14 15. Some fans have bad intentions. These are the crazy people and  
15 dangerous stalkers. Many of the adult performers that have worked for VXN Group  
16 are incredibly famous with millions of fans.

17 16. I have experience with stalkers. One stalker was so aggressive, I  
18 worked with a detective who was tracking him through multiple jurisdictions. He  
19 put my phone number into a ghost dialing system so that he could auto dial me over  
20 and over again and he hacked my accounts. Eventually he was jailed because he  
21 physically attacked a performer in another jurisdiction. Once he was released, he  
22 started up with me again and the detective had to intervene to get him to stop. I can  
23 provide the detective's contact information and the police reports, under seal, if  
24 necessary.

25 17. I also had a guy try to run me over once when he recognized me on  
26 the street and I refused to get in the car with him. Crazy people and dangerous  
27  
28

1 stalkers feel a one-sided closeness with adult performers that makes them feel like  
2 they have a right to our attention and bodies.

3 18. I also had a guy living a delusion that I was his girlfriend. He started  
4 flying to every convention I attended around the world (Vegas, South Africa, Berlin  
5 etc.) and began screaming at me while I was signing at my booth because after he  
6 stood in line for an autograph, I wouldn't leave with him. He was jailed shortly  
7 after for something unrelated involving a gun in his home state.

8 19. Many adult performers regularly receive death threats laced with  
9 racism for performing in interracial adult entertainment or from stalkers that  
10 believe in their delusions that the male performer is stealing female performers who  
11 "belong" to them. These threats can become very real if the wrong people have  
12 their home address.

13 20. Given the amount of money that my delusional stalker spent following  
14 me around the world, I know certain people will pay significant money and do  
15 illegal things to reach adult performers. Unfortunately, the threat is not limited to  
16 individuals.

17 21. There are also people and groups out there, often religiously  
18 motivated, who will pay serious money for the true names and contact information  
19 of the class members to expose and harass them in the hopes they exit the industry  
20 (or at least stop promoting things that they object to like interracial relationships).

21 22. People will pay a lot of money to have access to the class members  
22 personal information, so they can reach them in real life. It will be tempting for any  
23 disgruntled employee to leak or sell the information in exchange for potentially  
24 hundreds of thousands of dollars if not more.

25 23. I have personally been contacted by the FBI to warn me that my  
26 personal information was for sale on the black market and to take necessary  
27 precautions.  
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1           24. Please understand that it is too easy to assume that sending a letter in  
2 a plain envelope asking if each class member wants their information shared is  
3 harmless. If a letter regarding the class action is accidentally sent to the wrong  
4 address of a class member because of a typo or error by the mail man, resulting in  
5 disclosure to a neighbor, the consequences can be truly devastating.

6           25. Another very real risk is that a letter mailed to the home provided for  
7 the class member may be opened by a relative or roommate unaware that the class  
8 member works in the adult industry. The adult film industry regulations require  
9 production companies to verify the age of adult performers by their government  
10 IDs. These IDs are photographed and stored pursuant to law. In many cases, these  
11 IDs are how production companies record contact information for the actors and  
12 actresses and therefore the information on the IDs would be used to contact the  
13 class members.

14           26. Nearly all adult film performers begin work using their home  
15 addresses on their IDs. Many of these performers travel to California to work from  
16 their home state where they reside with family members. I know this from working  
17 on set as both a director and performer. This creates a real risk that the letters will  
18 go to an old address or to family and be opened by someone other than the  
19 performer.

20           27. Worse, nearly all adult performers I know share the common bond of  
21 having at least some family members that they do not want to know about their line  
22 of work. Some come from very conservative or religious homes where their family  
23 members may never speak to them again, or worse, hurt them.

24           28. Moreover, because of the time period of the lawsuit, the class will  
25 include many adult film performers who have left the industry. When leaving the  
26 industry, many completely shed their adult personas and leave them buried when  
27 they retire and reintegrate in society. They hope that their jobs, kids, and  
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1 community do not find out and ostracize them, fire them, abandon them etc. Many,  
2 like me, have had to move and start over when they've been outed.

3 29. Whether we like it or not, our society functions as if it is part of a  
4 social credit system where sex workers can and do get cancelled from necessities  
5 that others enjoy once they are outed.

6 30. These are just a few examples of what I and other class members have  
7 faced from their identities being discovered. I know if this information is  
8 discovered by the wrong people it can lead to unrepairable damage for the class  
9 members.

10 31. Please consider my life as a cautionary tale. I am asking the Court to  
11 please only require the disclosure of our contact information as a last resort and  
12 only with the strongest safeguards available, *if absolutely necessary*.

13  
14 I declare under penalty of perjury that the foregoing is true and  
15 correct. Executed on April 5, 2024 at Los Angeles, California.

DocuSigned by:



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16  
17 Kayden Kross

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